MOTION FILED

MAR 18 1974

IN THE

Supreme Court of the United States

OCTOBER TERM, 1973

No. 73-191

THE VILLAGE OF BELLE TERRE, an incorporated municipality, JAMES PHILBIN, Mayor of the Village of Belle Terre, ROBERT DOERR, Deputy Mayor and Trustee of the Village of Belle Terre, VINCENT BOVE, Trustee of the Village of Belle Terre, VINCENT KARWOWSKI, Trustee of the Village of Belle Terre, and FRANCIS STOLZ, Trustee of the Village of Belle Terre,
Defendants-Appellants,

vs.

BRUCE BORAAS, ANNE PARISH, MICHAEL TRUMAN, EDWIN DICKMAN and JUDITH DICKMAN,
Plaintiffs-Appellees.

On Appeal From a Judgment of the United States Court of Appeals for the Second Circuit

MOTION FOR SPECIAL LEAVE TO FILE AMICUS CURIAE BRIEF

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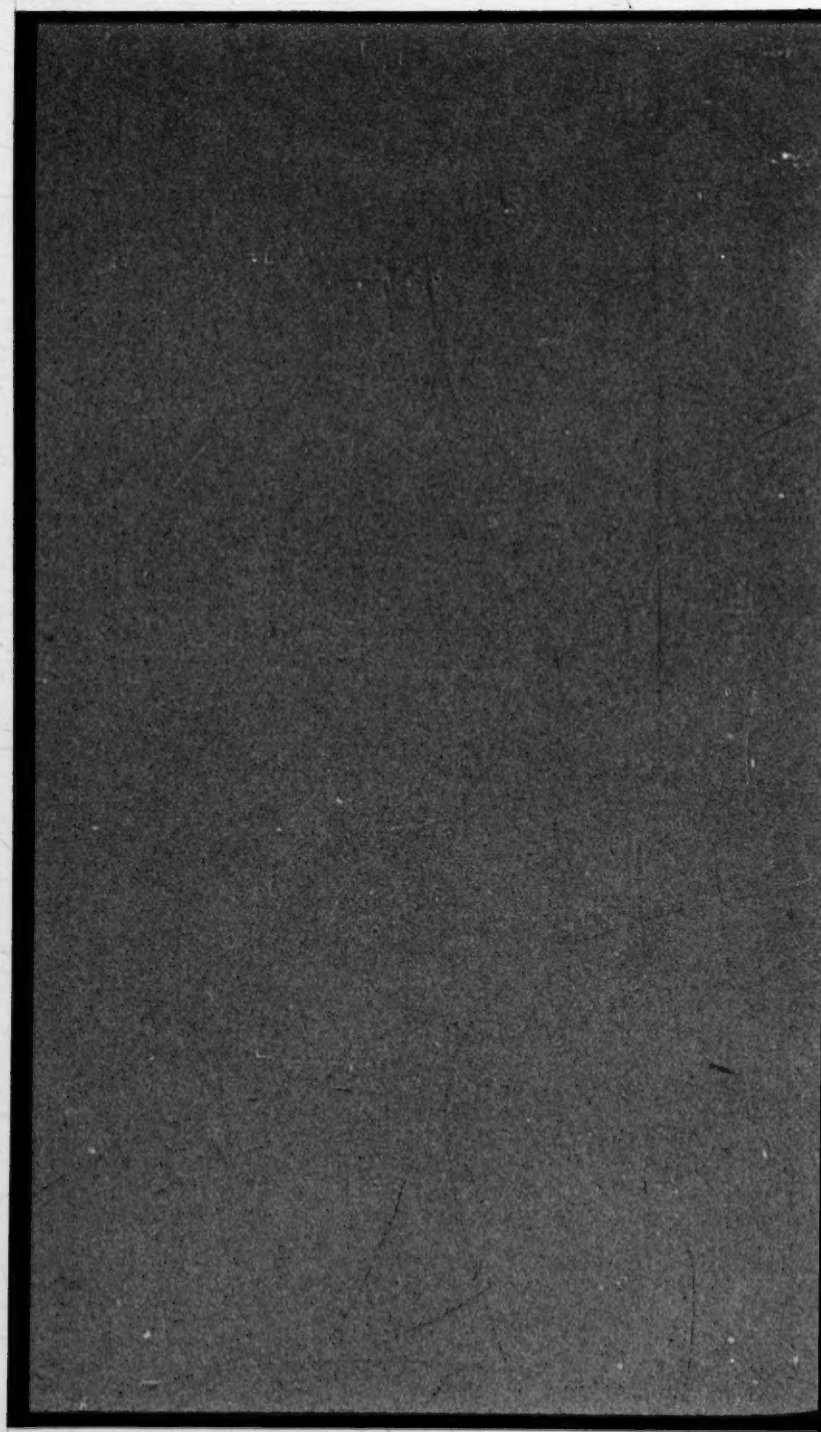

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Comes Now the Undersigned, for and on behalf of New Communities, Inc., a Minnesota non-profit corporation and moves the Court for Special Leave to File an Amicus Curiae Brief.

INTEREST OF AMICUS

The special interest of Amicus is set out at greater length in the Brief heretofore forwarded to the Clerk of Court. As summarized, the issues involved in the above litigation fall within the specific area of societal concern for which this non-profit corporation was formed; thus Amicus has a special interest in this litigation and the decision of the Court herein because it goes to the heart of the educational and social program of the corporation.

SPECIAL INTEREST PRESENTED

Amicus Curiae in its brief emphasizes the contractual nature of the relationship of persons involved as appellees in this litigation. The issue of the right of contract as a constitutional right does not appear to have been brief or explicitly covered in the arguments presented by the parties. It is this constitutionally protected right of contract, i.e. the right of citizens to enter into contracts with each other in formulating and defining of households, which is the basic legal assumption of great concern to Amicus.

THE EXPLANATION OF THE TIME OF FILING

It was not until Amicus Counsel received a copy of the Appellee's brief the early part of January that the members of New Communities, Inc., were able to ascertain the nature of the legal arguments involved in this appeal by the Village of Belle Terre. The first meeting of the membership was not held until February 1st, 1974, at which time the filing of the Amicus Curiae Brief was authorized provided the Board of Directors could secure or raise the funds to pay for the same. It was about the middle of February when final authorization was made and a for-

mal request was made to Appellee's Counsel for their consent to file; and it was at this time, the brief having already been prepared for printing, that Amicus Counsel learned the matter had been orally argued on the 20th of February, said time being a much shorter time than what Amicus Counsel had anticipated, based upon past experience, between the submission of the briefs and oral argument.

By reason of the great importance of the issues in this case to Amicus Curiae, and many other persons, Special Leave is requested of the Court to permit and authorize the Clerk to file the Amicus Curiae brief in this matter.

Respectfully submitted,

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The consent of Appellees has been previously obtained and delivered to the Court for filing, the consent of Appellant's has been requested. But Amicus prays the exercize of the discretion of the Court in approving the filing of said brief with or without the consent of appellants.